

REMARKS

Claims 1-9 and 25-33 are pending in this application.

Claims 1 and 25 have been amended to omit reference to "behaviors," as suggested by Examiner Ehichioya in prior discussions with the undersigned. The other claims are unchanged.

Applicants respectfully request reconsideration of the rejections set forth in the December 1, 2005 Office Action for the following reasons.

I. 35 U.S.C. § 121 Prohibits A Double Patenting Rejection In This Case

Claims 1-9 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 10, 12 and 17 of co-pending application serial no. 11/121,882. Reconsideration is respectfully requested.

Under 35 U.S.C. § 121, and in accordance with MPEP § 804.01, it is improper to raise an obviousness-type double patenting rejection where the co-pending application on which the rejection is based is a divisional of the application under examination and was filed as a result of a restriction requirement issued in the application. That is the case here. Claims 1-9 and 25-33 of the instant application were subject to a restriction requirement in which they were asserted to be directed to a separate and distinct invention from claims 10-24 of the originally filed application. *See*, Office Action dated Jan. 4, 2005. Co-pending application serial no. 11/121,882, which serves as the basis for the obviousness-type double patenting rejection, is a divisional of the instant application and contains the same claims 10-24 that were the subject of the restriction requirement in this case. Consequently, the obviousness-type double patenting rejection is improper, and Applicants respectfully request that it be withdrawn.

II. Claims 1-9 And 25-33 Are Patentable Over The Cited Art

Claims 1, 2, 9, 25, 26 and 33 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhattacharya, S. et al., "Coordinating Backup/Recovery and Data Consistency Between Database and File Systems," ACM SIGMOD, June 4-6, 2002, 500-511

(“Bhattacharya”) in view of U.S. Patent No. 6,785,690 (“Davidson”).¹ Davidson was the subject of prior Office Actions; Bhattacharya is a newly asserted reference. Applicants respectfully submit that the present invention patentably defines over Bhattacharya and Davidson.

Bhattacharya describes the “DB2/DataLinks” product available from IBM. Applicants discussed and addressed the “DataLinks” product in the Background section of the instant application. *See*, ¶ 0034, p. 8. As described therein and in the Bhattacharya reference, the “DataLinks” product provides the ability to link a column entry in a database table to a file in a file system by storing a reference (*e.g.*, URL) to the file in the column entry. This capability is illustrated in Figure1 of the article. However, the “DataLinks” product does not provide the ability to define a **user-defined type** having a **plurality of fields** where the data of **one designated field** of an instance of that user defined type is stored as a file outside of the database store, while the **other fields** of the instance of the user defined type are stored within the database store, as recited in independent claims 1 and 25 of the instant application. The “DataLinks” feature merely allows a reference to a file to be stored as an entry in a column of a database table. Unlike the claimed invention, that simple capability does not allow uniform storage and query of the separate file along with the regular relational data inside a user-defined type. Bhattacharya simply does not teach or suggest the claimed features of the present invention.

Nor does the Davidson reference cure the deficiencies of Bhattacharya.² As explained in response to prior Office Actions, Davidson discloses that “a class specification, describing data items of a particular form desired to be stored, is designed and placed in [an] object catalog,” and that “[a]n instance object of the class type is created for each data item desired to be stored, and put in the persistent store by the storage manager.” Col. 2, ll. 25-32. The Office Action appears to rely upon Davidson only for the assertion that it teaches “receiving a request to store an object that is an instance of [a] user defined type.” While this assertion may be correct, Davidson does not teach or suggest “storing the data in . . . at least **one designated field** of [a] **plurality of fields** of [an] instance of [a] user defined type as a file

¹ Claims 3-8 and 27-32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bhattacharya and Davidson and further in view of U.S. Patent No. 6,070,174 (“Starek”).

² The Starek reference also fails to teach or suggest the claimed features of the present invention.

outside of [a] database store” while “storing the data in each of the **other fields** of said plurality of fields of the instance of the user defined type within the database store,” as recited in claims 1 and 25.

Despite the significant differences between the claimed invention and both the “DataLinks” feature described in Bhattacharya and the basic notion of a user-defined type in Davidson, the Office Action nevertheless appears to assert that it would have been obvious to combine the teachings of Bhattacharya and Davidson to arrive at the claimed invention. But there is absolutely no motivation or suggestion in either reference for doing so. The “DataLinks” feature described in Bhattacharya merely allows a reference (URL) to a file to be stored as a column entry in a database table. There is no discussion of user-defined types, let alone defining a user-defined type such that the data of one designated field of an instance of the user-defined type is stored outside of a database, while the data of the other fields of the instance is stored within the database. Likewise, there is nothing in Davidson to suggest or motivate one skilled in the art to store the data of one field of a user-defined type as a file outside of a database while storing the data of the other fields within the database.

In an attempt to find some motivation for the proposed combination, the Office Action asserts that “Davidson’s teaching of ‘receiving a request to store an object that is an instance of the user-defined type’ would have allowed Bhattacharya’s system to keep data items in the persistent storage as object instances” and that it would “improve[] forming object instances of the collected data available to an application manager.” But those assertions merely state the supposed results of the alleged combination; they do not explain why one of ordinary skill in the art would have been motivated to make the combination.

Because the Office Action does not provide sufficient evidence of why one skilled in the art would have been motivated to make the proposed combination, a *prima facie* case of obviousness has not been established. Consequently, the Section 103(a) rejection of independent claims 1 and 25 is improper and should be withdrawn. Inasmuch as the remaining claims depend either directly or indirectly from one of these independent claims, Applicants submit that they too patentably define over the cited art for the same reasons.

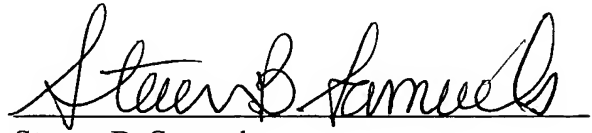
DOCKET NO.: MSFT-2850/306820.1
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PATENT

CONCLUSION

For all the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the Office Action and an early notice of allowance are respectfully requested.

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